

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

FC 2011-006273

02/07/2012

HON. PAMELA GATES

CLERK OF THE COURT

L. Bush

Deputy

IN RE THE MATTER OF
RACHEL LEAH KNITTLE

RACHEL LEAH KNITTLE
5126 N 28 DR APT NO 16
PHOENIX AZ 85017

AND

SEAN FADDIS

SEAN FADDIS
850 N MERIDIAN APT 1
MESA AZ 85120

CHRISTINE CHERRY POTOCHNIK

CHRISTINE CHERRY POTOCHNIK
816 1/2 E MITCHELL DR
PHOENIX AZ 85014

AZ DEPARTMENT OF VITAL
RECORDS
CONCILIATION SERVICES-CCC
DOCKET-FAMILY COURT CCC
FAMILY COURT SERVICES-CCC
FAMILY SERVICE AGENCY
OFFICE OF PUBLIC DEFENSE
SERVICES-CCC
TASC - PHOENIX
BARB KIFFMEYER
PO BOX 10698
TEMPE AZ 85284

PATERNITY JUDGMENT

Trial was held on February 6, 2012 regarding Petitioner Rachel Leah Knittle's Petition to Establish Paternity, Child Custody, Parenting Time and Child Support. Petitioner is hereinafter referred to as "Mother." Respondent Sean Faddis is hereinafter referred to as "Father." Mother

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appeared for the trial. Father failed to appear. The Court Appointed Case Advisor Barb Kiffmeyer was present during the trial, appearing telephonically.

Based upon the testimony and evidence presented, the Court makes the following findings and orders:

I. JURISDICTION

THE COURT FINDS that this Court has jurisdiction over the parties and issues presented as authorized by law; and that the minor child who is the subject of this action lived in Arizona with a parent, or a person acting as a parent, for at least six consecutive months or more prior to the commencement of this action, or at least from the time of birth of the child until this action was commenced, such that Arizona is the home state of the children pursuant to A.R.S. § 25-1031(A)(1).

II. PARENT EDUCATION PROGRAM

THE COURT FURTHER FINDS that Mother has satisfied the domestic relations education provisions of A.R.S. §25-352. Father has not completed the domestic education requirement.

IT IS ORDERED that Father complete an approved Parent Education Program and file proof of completion thereof with the Clerk of this Court on or before April 6, 2012.

III. PATERNITY

IT IS ORDERED declaring Sean Faddis is the natural father of Coty Faddis born June 22, 2001 to Rachel Knittle.

IT IS FURTHER ORDERED that a new birth certificate for the minor child shall be issued and/or amended or supplemented to reflect the true paternity of the child, if the name of the natural father does not now appear on the original certificate.

IT IS FURTHER ORDERED that the parties shall obtain an application to amend the birth certificate from the Office of Vital Records, Department of Health Services, 1818 W. Adams Street, Phoenix, AZ 85007, (602) 364-1300, and shall submit the application, along with a certified copy of this minute entry order, to the Office of Vital Records so that the birth certificate may be amended or supplemented, as ordered herein.

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IV. CUSTODY, DOMESTIC VIOLENCE, AND PARENTING TIME

In accordance with A.R.S. §25-403, the Court finds that it is in the best interest of the minor child for Mother to have sole legal custody. In entering this Order, the Court has considered all of the factors set forth in A.R.S. § 25-403 and finds the following:

1. The wishes of the child parent or parents as to custody. Mother seeks sole legal custody. Father was not present to state his position.
2. The wishes of the child as to the custodian. The child was interviewed by the Court Appointed Case Advisor in connection with this proceeding. Coty indicated that he has many friends at his current school. Coty experienced an abrupt change in physical custody following Father's arrest. Mother has a history of methamphetamine dependency. She reported that she has been clean and sober since 2007. As a result of criminal activity and drug abuse, Mother was incarcerated and CPS placed the child in the care of the paternal aunt. Father also has a criminal record and a history of methamphetamine use. Mother tested negative for her Court-ordered drug test. Father initially failed to appear for his Court-ordered drug test, which the Court considers a positive result. After the Court ordered further testing, Father reported and tested positive for methamphetamines. Father has failed to report for any further drug tests.
3. The interaction and interrelationship of the child with the child's parent or parents, the child's siblings and any other person who may significantly affect the child's best interest. Mother and Father are unable to co-parent at the current time. At the temporary orders hearing, the Court ordered temporary joint legal custody. Father was allowed frequent weekend parenting time. Prior to the temporary orders hearing, Father was the primary residential parent. Mother was allowed virtually no parenting time with the minor child. Therefore, the Court anticipated that the child would struggle with the abrupt change in physical custody; however, the Court found that the change was in the child's best interest. Rather, that use the parenting time to assist the child transition, Father attempted to undermine Mother's relationship with the minor child. The Court Appointed Case Advisor's report suggests that Father hid Coty during Mother's parenting time, failed to facilitate the exchanges without incident, disparaged Mother, and encouraged the child to fail in school while in Mother's care. Instead of focusing on the best interests of the minor child and helping relieve the child's anxiety, Father increased the emotional difficulty for the minor child. The Court finds that Father's conduct was contrary to the best interests of the minor child. In short, in an attempt to regain physical custody, Father attempted to manipulate the

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child and harmed the child emotionally for a strategic advantage in the family court litigation.

4. The child's adjustment to home, school and community. The child is struggling to adjust to his home, school and community. The child misses the friends he had while living with Father. Mother may attempt to minimize the challenges for the child if the child is allowed to contact his former friends or write letters/emails to his prior classmates. Moreover, the Court underscored the importance of Mother obtaining counseling for the minor child.
5. The mental and physical health of all individuals involved. Both parents have a history of using methamphetamines. Father tested positive for methamphetamines. Mother tested negative.
6. Which parent is more likely to allow the child frequent and meaningful continuing contact with the other parent. This paragraph does not apply if the Court determines that a parent is acting in good faith to protect the child from witnessing an act of domestic violence or being a victim of domestic violence or child abuse. The Court finds that both parents are reluctant to allow the child to exercise parenting time with the other parent. The Court finds that Mother has a legitimate concern regarding the minor child's parenting time with Father. During the pendency of this litigation, Father attempted to undermine Mother's relationship with the minor child. Presently, the child reports that he loves Mother very much. The child reports that he is not scared when in Mother's care. The child also reports a positive relationship with Mother's boyfriend, Kenny Apker. The child reported a number of incidents in which Mother was attempting to retrieve the child for parenting time; however, Father was attempting to hide the child. The child also reported that Father advised him to get bad grades to gain a strategic advantage in the family court case. The child has decided to work hard in school and act respectfully toward his teachers. However, this decision did not come easily for the child.
7. Whether one parent, both parents or neither parent has provided primary care of the child. Father previously provided primary care of the child; however, Mother has provided primary care since the temporary orders hearing.
8. The nature and extent of coercion or duress used by a parent in obtaining an agreement regarding custody. There are is no agreement regarding custody.

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9. Whether a parent has complied with Chapter 3, Article 5 of Title 25 (Parent Information Program). Mother has complied with this requirement. Father has not complied with this requirement.
10. Whether either parent was convicted of an act of false reporting of child abuse or neglect under A.R.S. § 13-2907.02. Neither party has been convicted of an act of false reporting of child abuse or neglect under A.R.S. § 13-2907.02.
11. Whether there has been domestic violence or child abuse as defined in A.R.S. § 25-403.03. There has been no domestic violence or child abuse as defined in A.R.S. § 25-403.03.

IT IS ORDERED:

1. Mother is awarded sole legal custody of Coty (DOB: 6/22/2001).
2. Each party is entitled to full and unrestricted access to all medical, dental, prescription and health related records of the child and may secure information from and consult with all health care professionals providing care of the minor child. Each party shall keep the other party informed of the names, addresses and telephone numbers of all such health care providers. A parent who attempts to restrict the release of document or information by the custodian without a prior court order is subject to appropriate legal sanction.
3. Each party is entitled to full and unrestricted access to all school records, teacher, administrators, and other school officials involved in the child's education. Both parents shall be listed as and identified as contact persons on all records. A parent who attempts to restrict the release of document or information by the custodian without a prior court order is subject to appropriate legal sanction.
4. In the event of any emergency or urgent circumstances involving the child, the party then having physical custody of the child shall inform the other party of the nature of the emergency or urgent circumstance as soon as is reasonably possible.
5. Each party shall have the right to attend and participate in school conferences, activities, and events, extra-curricular activities, and any other similar event in which parents are routinely invited or permitted to attend.
6. Unless restricted by Court order, each party shall keep the other informed of his/her home address, home telephone number, employer and address, work

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telephone number, and, if applicable, cellular telephone number and e-mail address.

7. Neither party shall make derogatory, disparaging, or similarly negative comments about the other party in the presence of the minor child. Neither party shall discuss family law legal proceedings with the child or use the child as a messenger for parenting issues.

IT IS FURTHER ORDERED that Mother shall be designated as the primary residential parent. Father shall be entitled to the following parenting time with the minor child:

1. Father shall be entitled to exercise supervised parenting time with the minor child two times per month for a period of three hours per visit. Father's parenting time may be supervised by any person mutually agreed upon between Mother and Father or Family Service Agency. In entering this order, the Court finds that unrestricted parenting time between Father and minor child would seriously endanger the child's physical, mental, emotional or moral welfare. Specifically, the Court finds that Father's methamphetamine use and affirmative conduct to undermine Mother's relationship with the minor child created a risk to the minor child's mental and emotional welfare.

The parties may contact Family Service Agency at (602) 264-9891 to arrange for an appointment or in person at:

Family Service Agency
Main office: 1530 E. Flower St., Phoenix, AZ 85014
www.fsaphoenix.org

IT APPEARING TO THE COURT that there exists a need for professional assistance in the access and exercising of parenting time with the minor child, the Court having determined that Father meets the financial eligibility requirement for subsidy and support under the Access and Visitation Grant, and having determined that supervised visitation for Father is both appropriate and necessary,

IT IS ORDERED that Father shall report to Conciliation Services (201 W. Jefferson, Phoenix, Arizona, 85003) to complete the required documents.

IT IS FURTHER ORDERED that Father shall fully cooperate and comply with all directives of Conciliation Services.

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IT IS FURTHER ORDERED that Father will be responsible for the initiation and continuance of the service as directed by the Court.

2. Each party shall allow the other party reasonable telephone access with the child while the child is in his or her physical custody. Such telephone access shall be before the child's ordinary bedtime and may be initiated by either the party or the child. The party having physical custody of the child at the time of the telephone contact shall not listen in, record, or otherwise interfere with the contact.
3. If either party disputes or seeks a change in either legal custody or parenting time, that party shall first attempt to resolve the dispute or change through private mediation or mediation provided by Conciliation Services. No petition to modify custody or parenting time shall be considered absent an affirmative statement by the party seeking modification that mediation has occurred and was unsuccessful, except in cases where there is a genuine and imminent threat to the health, safety, or welfare of the child. Further, Father shall not seek modification of this order absent completion of the Court-ordered drug testing and completion of the Parent Information Program and the High Conflict Resolution Class.
4. **ORDER FOR HIGH CONFLICT RESOLUTION CLASS**

IT IS ORDERED that both parties shall separately attend and complete a High Conflict Resolution class **within 60 days** of the date of this order. Each party shall call **480-727-7135** to register for the class. Each party shall also pay a class fee of **\$50** at the Clerk of Court filing counter, at any Superior Court location, at least 5 days prior to their scheduled class. Each party must bring a copy of the payment or deferral receipt to class. Specific information regarding the date, time and location of the class will be provided when each party calls the above number.

WARNING

IF YOU FAIL TO SCHEDULE AND ATTEND THE CLASS AS ORDERED, YOU MAY BE REQUIRED TO PAY A \$100 NO SHOW FEE. IF YOU CANNOT ATTEND FOR ANY REASON, YOU MUST REQUEST AND BE GRANTED PERMISSION TO RESCHEDULE YOUR ATTENDANCE AT LEAST 24 HOURS BEFORE THE SCHEDULED CLASS. PLEASE CALL THE NUMBER LISTED ABOVE IF YOU NEED TO REQUEST TO RESCHEDULE YOUR ATTENDANCE.

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5. The parents are free to deviate from the parenting time schedule by mutual agreement.

V. CHILD SUPPORT

For the purpose of the calculating child support,

THE COURT FINDS,

Mother's Income	\$7.65 per hour
Father's Income	\$7.65 per hour
Health Insurance Paid by Mother	\$0.00
Parenting Time Adjustment	0 days

These findings and any other relevant financial factors required or allowed to be included by the Arizona Child Support Guidelines, are set forth in the Child Support Worksheet filed herewith and are hereby adopted by this reference. In applying these findings under the Arizona Child Support Guidelines,

IT IS ORDERED that Father shall pay child support to Mother in the total amount of **\$267.00 per month**, commencing February 1, 2012. All payments shall be made through the Support Clearinghouse through an automatic Order of Assignment issued this date. Father is advised that until such time as the Order of Assignment becomes effective, Father has the affirmative obligation to pay the child support directly to the Support Clearinghouse. Father shall immediately notify the Court of any change in his employment by filing a Current Employer Information sheet.

Obligations of child support terminate when each child attains the age of 18 years or is otherwise emancipated, but in the event any child attains the age of 18 years while attending high school, support shall continue to be provided during the period in which the child is actually attending high school but only until the child reaches 19 years of age. Provision for health insurance and non-insured health expenses for the child, as provided below, shall be deemed to be additional child support and shall be enforceable as such.

Pursuant to A.R.S. § 25-503(I), the right to receive child support payments as provided herein vests as each installment falls due. Each vested child support installment is enforceable as a final judgment by operation of law.

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VI. PAST CHILD SUPPORT

Based upon the evidence presented, and A.R.S. §25-809(A)&(B), it is appropriate to apply the current child support guidelines retroactively for the period October 1, 2011 through January 31, 2012. As stated above, Father's child support obligation is \$267.00 per month for this period of four months, thereby creating a total past child support obligation of \$1,068.00 (\$267.00 x 4 months).

IT IS ORDERED awarding judgment in favor of Mother and against Father in the sum of \$1,068.00 representing child support due for the period of October 1, 2011 through January 31, 2012.

IT IS FURTHER ORDERED that Father shall also pay the sum of **\$50.00 per month** in addition to the current child support payment toward the past child support until these sums have been paid in full.

VII. MEDICAL INSURANCE

IT IS ORDERED that Mother shall maintain medical insurance for the minor child. Mother shall ensure that Father is kept informed at all times of the name and address of the insurance provider as well as the policy number. Additionally, Mother shall provide Father with valid insurance cards and policy information and updated information.

IT IS FURTHER ORDERED that any non-covered or uninsured medical, dental, orthodontic, optical, prescription expenses, deductibles, and co-pays shall be paid 50% by Father and 50% by Mother. If one party pays a health-related expense, any request for reimbursement of the other party's share shall be made within 180 days after the date the health-related services are rendered. If a party seeks reimbursement, the party from whom reimbursement is sought may request receipts or other evidence of payment. The party seeking reimbursement shall promptly provide the requested receipts and/or evidence of payment. The party from whom reimbursement is sought shall pay the requested reimbursement, or make acceptable payment arrangements, within 45 days of receiving receipts or evidence of payment. Both parties shall use their best efforts to obtain services that are covered by the insurance.

VIII. DEPENDENCY EXEMPTION

Pursuant to Rule 27 of the Arizona Child Support Guidelines, allocation of the dependency exemption between the parties essentially proportionate to income is appropriate. Based thereon,

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IT IS ORDERED that Mother may claim the dependency exemption for Coty in every even numbered year. Father may claim the dependency exemption for Coty in every odd numbered year. If the party entitled to the exemption does not realize a financial benefit from the exemption for a given tax year, the other party shall be entitled to claim the tax exemption for that tax year.

IT IS FURTHER ORDERED that each party shall execute any forms required in order to implement these terms.

IT IS FURTHER ORDERED that Father's right to claim the exemption in any given year is conditioned upon payment by Father by December 31st of the total Court-ordered monthly child support obligation for that calendar year and any Court-ordered arrearage payments due during the calendar year for which the exemption is to be claimed.

IX. EXCHANGE OF INCOME INFORMATION.

IT IS ORDERED that the parties shall exchange income information every twenty-four (24) months from the date of the entry of this Judgment for so long as a child support obligation is in place. The financial information shall included, but is not limited to: personal tax returns with all schedules, affidavits of financial information, earning statements and other such documentation necessary to establish or prove the income of either party. In addition, at the time of the exchange of financial information, the parties shall also exchange residential addresses and the names and addresses of their respective employers.

X. DRUG TESTING

IT IS ORDERED that Father shall undergo random drug testing on the following basis:

A. Agency. Father's random drug testing shall be conducted at a location of TASC, Inc., the main office of which is at 2234 North 7th Street, Phoenix, Arizona, 602-254-7328. Other locations are listed on the TASC referral form and may be viewed at www.tascaz.org.

B. First Test. Father shall report to TASC within 24 hours of receipt of this minute entry, for his first test.

C. Scope. Father shall undergo a full spectrum substance and drug test (Screen "A") for each test ordered herein.

D. Cooperation. Father shall cooperate fully as reasonably required by the testing agency to comply with this Order, including:

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1. Father shall provide such samples as are reasonably required by the testing agency to comply with this order.

2. Father shall timely report for testing and provide samples as directed by the testing agency.

3. Father shall present photo identification to the testing agency at the time of each test.

4. Father shall sign and deliver such forms of consent, authorization and release of test results as shall be reasonably required by the testing agency to comply with this Order.

E. Cost. Father shall pay the cost of his testing (\$25.00 per test) by money order or cashier's check at the time of testing.

F. Frequency & Duration. Father shall be randomly tested not less than once per week until he has obtained 6 consecutive weekly negative tests. Thereafter, he shall be randomly tested twice monthly until he has obtained 6 additional negative tests (3 months). Thereafter, he shall be randomly tested once per month until he has obtained 3 further negative tests (3 months). Testing shall then be complete.

G. Positive/Diluted/Missed Test. In the event that Father tests positive on any test, misses a random test or provides a diluted test sample on any test, the cycle and frequency of testing set forth in paragraph F above shall be started again with weekly tests. All parties are advised that the failure, neglect or refusal to participate in testing, or providing a diluted test sample at the time of testing, may be considered an admission by the party that the testing, if properly conducted, would have revealed the use of the substance(s) tested for, which finding is contrary to the best interest of a child. Certain prescription medications may cause a positive drug test result. Parties who are required to drug test are expected to provide proof to the court of prescriptions and documentation from health care providers regarding the lawful possession and use of those medications.

H. Reporting. The parties are hereby advised that test results ARE NOT confidential and will be filed in the Court file upon receipt by the Court. The results of each test shall be reported directly to counsel for both parties, or directly to the parties at the addresses provided by the parties to the testing agency, if unrepresented by counsel. The testing agency shall also provide this Court with a Monthly Drug Test Summary Report.

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XI. OTHER ORDERS

Each party was obligated to pay the Office of Public Services for the appointment of the Court Appointed Case Advisor. Beginning March 1, 2012, the payments shall be made in the amount of \$25.00 per month to Office of Public Defense Services, 620 West Jackson Street, Suite 3076, Phoenix, Arizona. Each party shall include the case number with the payment. Each party is obligated to pay \$250.00.

IT IS ORDERED signing this minute entry as a formal order of this Court pursuant to Rule 81, Arizona Rules of Family Law Procedure.

/S/: JUDGE PAMELA GATES

Hon. PAMELA S. GATES
Judge of the Superior Court

All parties representing themselves must keep the Court updated with address changes. A form may be downloaded at: <http://www.superiorcourt.maricopa.gov/SuperiorCourt/Self-ServiceCenter>.

Attachments:

SEAN FADDIS: Current Employer Information